REMARKS/ARGUMENTS

This amendment responds to the final office action dated June 28, 2007.

The Examiner rejected claims 1-11, 13, 14, 25-27, 50-53, 57 60 under 35 U.S.C. § 103(a) as being unpatentable over the combination of Herz, U.S. Patent No. 6,020,883, in view of Finseth, U.S. Patent Number 6,754,906. The Examiner rejected claims 15, 28, 59, and 61-64 under 35 U.S.C. § 103(a) as being unpatentable over the combination of Herz, U.S. Patent No. 6,020,883, in view of Finseth, U.S. Patent Number 6,754,906, and in further view of Graves, U.S. Patent No. 5,410,344.

All independent claims have been amended to recite the limitation of "wherein said first level includes preferences that together encompass all preferences of said second level." Not only does the prior art fail to teach this limitation, but Herz teaches against it:

> A profile, either of a customer (Customer profile) or of a program (Content Profile), is composed of arrays of characteristics which define the customer profile vector CV_i and the program profile vector CP_j. To increase the accuracy in statistical estimation, the selection of *characteristics* should follow the following guidelines . . . [t]here should be no synonyms, *nor much overlapping in meaning between two or more characteristics. In other words, the correlations between the characteristics are desirably minimized.*

See Herz at col. 11 lines 28-41(emphasis added).

Furthermore, the applicant reiterates the arguments that the moods of Herz can not plausibly be considered "user preferences" as claimed because the program attributes of Herz do not each correspond to a respective one of the user attributes, as described by Herz. In other words, the present claims require the user preferences to be matched to program attributes, and the user preferences to be ranked hierarchically. The moods of Herz are not matched to program attributes, but the preferences associated with the moods are. The preferences within the moods, however, are not hierarchically ranked. The Examiner's answer, that the preferences encompassed by the various moods are compared to program attributes fails to address this latter point.

Finally, the Examiner does not appear to have responded to applicant's final point that it would never make sense to jointly process respective mood levels with respective

program attributes, because, in the system of Herz, the only one mood, with its respective user attributes, would be processed at a given time to rank available programs.

For each of the foregoing reasons, claims 1-11, 13-15, 25-28, 50-53, 57 and 59-64 are distinguished over the respectively cited combinations.

In view of the foregoing amendments and remarks, the applicant respectfully requests reconsideration and allowance of claims 1-11, 13-15, 25-28, 50-53, 57 and 59-64.

Respectfully submitted,

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